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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,623	12/10/2001	Hidetoshi Aoki	036741-0107	1134

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EXAMINER

SAFAIPOUR, HOUSHANG

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/006,623

Applicant(s)

AOKI, HIDETOSHI

Examiner

Houshang Safaipoor

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2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 and 8 is/are allowed.
- 6) ☒ Claim(s) 3 and 4 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Applicant's amendment filed on January 10, 2006 have been fully considered but are not persuasive.

Claims 1 and 2 have been canceled. Claims 7 and 8 have been added.

Response to Arguments

On page 7, third paragraph of his "Remarks", applicant argues that "as recited in claim 3 and its dependent claims, the **direction of the reflected light is not adjusted at the time of reading the document such as described in Matsuda et al.**, but rather is adjusted before reading the document". Examiner disagrees. According to applicant's invention, the original document is illuminated and the light reflected by the surface of the document projects onto the three line CCD sensor and the original document image is converted to the electrical signal. The electrical signal is converted into digital signal and the data is sent to the image processing apparatus. Output value (CCD output value) of light received by the CCD sensor is also sent to a control panel display and it is determined whether or not the output value is an appropriate value. By the determination of the CCD output value, if it is determined that the optical axis is deviated, the optical axis is adjusted (Page 14, line 9 of the specification through page 15, line 5). Therefore, adjustment is not done before reading of the document. As concurred by the applicant Matsuda et al. makes the adjustment during reading the document based on the preliminary scan of the original (col. 4, line 43 through col. 5, line 46). Furthermore the microcomputer in Matsuda by reading the image data of the preliminary scanning stored in memory together with detecting the brightness level of the image data, outputs control signals to a lens drive and the lens is moved to adjust the optical axis accordingly (page 5, lines 25-46).

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For the reasons stated above, examiner maintains his rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuda et al. (U.S. Patent No. 5,834,762).

Regarding claim 3, Matsuda et al. discloses an image reading apparatus which includes an image reading sensor for reading an image of an original document and converting the image into an electrical signal, which adjusts a direction of light irradiated and reflected by the original document to project the light on the image reading sensor and then reads the image of the original document by the image reading sensor to convert the image into the electrical signal, wherein the image reading apparatus further comprises an output value detecting mechanism which detects an output value of the image reading sensor which is varied in accordance with a deviation in the direction of the reflected light, and an optical axis adjusting mechanism which adjusts the direction of the reflected light such that the output value detected by the output value detecting mechanism becomes an appropriate value obtained when the direction of the reflected light and a peak position of the illumination on a surface of the original document are aligned with each other (col. 4, line 50 through col. 5 line 46 and please refer to the response to arguments given above).

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Regarding claim 4, Matsuda et al. discloses the image reading apparatus according to claim 3, wherein the image reading sensor comprises a CCD sensor (col. 4, line 1).

Allowable Subject Matter

Claims 5 and 6 which recite the image reading apparatus comprises a mirror and a fixing/supporting projection for supporting the mirror at a given position, an adjusting screw which is provided opposed to the fixing/supporting projection and which supports the mirror together with the fixing/supporting projection, and which is screwed tighter or loosened to turn the mirror such that the direction of the light reflected by a surface of the mirror is adjusted, and an elastic supporting projection which abuts against a surface of the mirror opposite to the fixing/supporting projection and the adjusting screw, and which elastically supports the mirror in a state in which the adjustment by the adjusting screw is permitted are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 7 and 8 are allowed for the same reasons stated above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (571)272-7412. The examiner can normally be reached on Mon.-Thurs. from 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Houshang Safaipoor
Patent Examiner
Art Unit 2622
March 25, 2006



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